

1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
tel. 202.434.4100  
fax 202.434.4646

Writer's Direct Access  
**Thomas B. Magee**  
(202) 434-4128  
magee@khlaw.com

November 17, 2010

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, S.W.  
Washington, DC 20554

**Re: Notice of Ex Parte Communication**  
**WC Docket No. 07-245 ("Pole Attachment Proceeding"); and**  
**GN Docket No. 09-51 ("National Broadband Plan Proceeding")**

Dear Ms. Dortch:

Please accept this letter, filed pursuant to Section 1.1206 of the Commission's Rules, as notice that on November 16, 2010, representatives of 32 electric utilities and their trade associations met with Federal Communications Commission Staff to discuss issues of concern to utility pole owners in the Pole Attachment proceeding.

FCC Staff included representatives of the Wireline Competition Bureau (Bill Dever, Richard Kwigtkowski, Al Lewis, Jeremy Miller, Wes Platt, Jonathan Reel and Marv Sacks), the Enforcement Bureau (Lisa Saks, Jacky Spindler and Alex Starr), and Christine Kurth of Commissioner McDowell's office.

Forty-nine people represented the electric utility industry and their names are included on the attached sign-in sheet. They include representatives of the Edison Electric Institute ("EEI"), the Utilities Telecom Council ("UTC"), and the following electric utilities:

Ameren Services Company	Georgia Power
American Electric Power	National Grid
Baltimore Gas and Electric	New York State Electric and Gas
CenterPoint Energy	Oncor Electric Delivery
Central Maine Power	Pacific Gas and Electric
Dominion Virginia Power	Potomac Electric Power Company
Duke Energy	PPL Electric Utilities
Duquesne Light Company	Rochester Gas and Electric
Edison International (SoCal Edison)	Tampa Electric Company
Florida Power and Light	

Also in attendance were attorneys representing EEI/UTC, the Alliance for Fair Pole Attachment Rules (American Electric Power, Duke Energy, Entergy, Florida Power and Light,

Ms. Marlene H. Dortch, Secretary

November 17, 2010

Page 2

Progress Energy and Southern Company), the Coalition of Concerned Utilities (Allegheny Power, Baltimore Gas and Electric, Dayton Power and Light, FirstEnergy Corp., NSTAR, PPL Electric Utilities, South Dakota Electric Utilities, and Wisconsin Public Service Co.), the Florida Investor-Owned Electric Utilities (Florida Power and Light, Tampa Electric, Progress Energy Florida, Gulf Power Co., and Florida Public Utilities Co.), Oncor Electric Delivery, and Pole Owners Working for Equitable Regulation (Ameren Services Company, CenterPoint Energy, Houston Electric, and Virginia Electric and Power Company).

Representatives of eleven (11) different electric utilities discussed the attached PowerPoint presentation, which highlights the realities of the pole attachment process. They explained that the process cannot simply follow a cookie-cutter approach. Make-ready design and construction is often difficult and complex and requires the cooperation of multiple parties. Everyone involved, including communications companies and the public, need to be assured that careful due diligence has been applied to all the safety and operational factors involved in the process. And because it is so complicated, it is not a process that lends itself to narrow government mandates.

We described the process that utilities go through in accommodating attaching entities, which has helped to enable communications companies to provide broadband service to 95% of the country to date. We therefore explained how the current system has worked well without extensive government oversight.

We also explained that electric distribution systems are dangerous and complex, and that that each make-ready job is different, as is each utility performing the make-ready. We also described some of the numerous factors that are entirely outside of anyone's control that can delay a project.

We explained our view that moving this activity from qualified field work to an FCC regulation environment will make the process more burdensome for everyone – the pole owners, the communications attachers and the FCC, while doing very little to promote broadband deployment.

We described the cooperation that must exist in order for the process to work and the cooperative relationship that currently exists among the vast majority of pole owners and attaching entities.

Following our presentation, we also briefly discussed the differences between joint use and third party pole attachment agreements, and issues pertaining to wireless antenna attachments.

KELLER AND HECKMAN LLP

Ms. Marlene H. Dortch, Secretary

November 17, 2010

Page 3

We appreciate the Staff's attention to these matters. Please feel free to contact the undersigned if you have any questions or require any additional information.

Sincerely,



Thomas B. Magee

Jack Richards

Attorneys for the

*Coalition of Concerned Utilities*

Attachments

cc: The Honorable Julius Genachowski, Chairman  
The Honorable Michael J. Copps, Commissioner  
The Honorable Mignon Clyburn, Commissioner  
The Honorable Robert M. McDowell, Commissioner  
The Honorable Meredith Attwell Baker, Commissioner

Zac Katz  
Margaret McCarthy  
Angela Kronenberg  
Christine Kurth  
Bradley Gillen  
Sharon Gillett  
Cathy Seidel  
William Dever  
Richard Kwigtkowski  
Al Lewis  
Jeremy Miller  
Wes Platt  
Jonathan Reel  
Marv Sacks  
Lisa Saks  
Jacky Spindler  
Alex Starr

# Electric Utility Pole Attachment Meeting for FCC Staff

## Sign-In Sheet

Name	Title	Company
Tom Magee	Partner	Keller and Heckman LLP
David Glenwright	Manager - Attachments	PPL Electric Utilities
SCOTT LIEBEL	SUPV. ENGINEER - JOINT USE	AMEREN
JOE SMYORR	MGR - TELECOM ATTACHMENTS	NATIONAL GRID
PAM ELLIS	MGR - UTILITY BUSINESS DEV	AEP
JAY GRILES	MANAGER - CUST. SOLUTION	DOMINION
THOMAS J. KENNEDY	Principal Regulatory Affairs Analyst	Florida Power & Light Co.
Karen Flewharty	ONCOR Electric Delivery	Joint Use Manager
ALLEN BELL	DISTRIBUTION MGR	GEORGIA POWER
Andy Eussel	St Project Mgr	Duke Energy
CINDI SALAS	DIRECTOR, LAND & FIELD SERVICES	CENTRAL POINT ENERGY
Eric L. O'Brien	J.U. Supervisor	Tampa Electric Company
Jonathan Rees	Staff WCB/CPD	FCC
Al Lewis	Chief, Pricing Policy Division WCB	FCC
Wes Platt	Staff, WCB/CPD	FCC

Name	Title	Company
Jeremy Miller	Deputy Chief, IAD, WCB	FCC
Marr Sacks	WCB - Pricing Policy Div.	FCC
Richard Kwiatkowski	WCB - Pricing Policy Division	FCC
Matt DeTura	Associate	Keller and Heckman LLP
Stuart Garrison	FED AFFAIRS SPECIALIST	AMEREN
Christine Kurth	Policy Director + Wireline Counsel	Commissioner McDowell FCC
Parren Deffen	Manager of Federal Affairs	Pacific Gas & Electric
David Arthur	Director, Federal Legislative Affairs	PPL Corp
Danny H Wilson	Joint Use Coordinator	Georgia Power Company
Charlie Zolebski	Attorney	Eckert Seamans
RAYMOND KOWALSKI	ATTORNEY	ECKERT SEAMANS
Brett Heather Freedson	Attorney	Bracewell & Giuliani
George Footc	Attorney	Bracewell & Giuliani
Avyeh Fishman	Director, Legal Regulatory Affairs	EEI
Shirley S. Fujimoto	Principal	Fish & Richardson
Kevin Cookler	Of Counsel	Fish & Richardson P.C.
Steve Atkinson	Mgr., Engineering	Pepco
KEN GILBERT	LEADER - JOINT USE DBN	FPL



Name	Title	Company
Irene White	Director Distribution Support	Florida Power & Light
Tom St. Pierre	Senior Counsel	AEP
Brett Kilbourne	Deputy General Counsel	UTC
Mark Meneses	Huntton & Williams LLP	Alliance for Fair Pole Attachment Rates
Nyhan Gruchner	Huntton & Williams LLP	Alliance for Fair Pole Attachment Rates
Eric Langley	outside counsel to Florida IOUs	Balch & Bingham LLP
T.J. Szelistowski	Director - Engineering and operations support	Tampa Electric Co.
Peggy Cummings	Supervisor Joint Use of Plant	Central Maine Power Co.
Robert Perkins	Manager - Joint use of Plant	New York State Electric & Gas Rochester Gas & Electric
CANDLER GINN	<del>Power Manager</del>	GEORGIA POWER CO
Matthew Miller	Manager, Federal Affairs	Edison International
Robert Hoaglund	Senior Counsel	National Grid
Gregory T. Oberchain	Manager, Distribution Operations & Standards	Edison Electric Institute
Hagen Haentsch	Director, Asset Investment Strategy	Oncor
Robert Linden	Comm. Engineer	Duquesne Light Co.
Maureen Whitfield	Mgr, Billing and Disbursements	Duquesne Light Co.
Karen Krentzer	Misc. Revenue Analyst	Duquesne Light Co.
Richard Meeken	MANAGEMENT Sr INFORMATION ANALYST	IS BE

[illegible]